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09/770,157	01/26/2001	Adrian P. Wise	100412(EP)USCD1X1C1D1 PDD	8565

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EXAMINER	
NGUYEN, DUSTIN	

ART UNIT	PAPER NUMBER
2154	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/770,157	WISE ET AL.	
	Examiner	Art Unit	
	Dustin Nguyen	2154	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 December 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-29 are presented for consideration.

Response to Arguments

2. Applicant's arguments filed 12/19/2007 have been fully considered but they are not persuasive.

3. As per remarks, Applicants mentioned submitting a Terminal Disclaimer with the amendment filed on 09/24/2003 for the purpose of overcoming the double patenting rejection. However, no such information is shown in file record. As such, Examiner requests Applicants to resubmit the Terminal Disclaimer to overcoming the double patenting rejection as indicated below.

4. As per remarks, Applicants' argued that (1) Gonzales does not disclose a start code detector to convert a portion of a stream of video data into a stream of data tokens in response to detecting a start code sequence in said stream of video data.

5. As to point (1), Gonzales discloses a system for encoding and decoding blocks of video/image data and provide a methodology to optimize a pipeline architecture [col 2, lines 14-18]. As shown in Figure 3(a), each block of image data identifies by the Header information

and End of Block (EOB) identifiers [i.e. data tokens] [Figure 3(a); and col 8, lines 62-67]. Also, Gonzales' system includes a Compression/Decompression (CODEC) device 24 for identifying start and end of block of image data coming from the Input FIFO 28, the CODEC begins decoding the data and sends a READY indication to the LSM, the CODEC identifies the EOB for a block of image data read from the Input FIFO 28 and indicates this condition to the LSM, the LSM waits until the decoded block of image data is transferred from the CODEC to the Image Memory, and then repeats the above process if there are more blocks to be processed [i.e. a start code detector to convert an portion of a stream of video data into a stream of data tokens in response to detecting a start code sequence in said stream of video data] [col 7, lines 12-25; and col 9, lines 1-15].

6. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a token is defined in the specification as "interactive interfacing messenger package for control and/or data functions") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

7. As per remarks, Applicants' argued that (2) Gonzales does not disclose pipeline stages having operating modes responsive to the format of a token.

8. As to point (2), it is rejected for same reasons as mentioned in previous Office Action. Furthermore, Gonzales discloses the above limitation [i.e. a plurality of data processing stages each of which executes a Process on data organized as data blocks, each data block being comprised of a plurality of data elements that are operated on as a group, and each of the stages is defined so as to segregate data-dependent processes from data-independent processes] [col 6, lines 52-67; and col 17, lines 27-38].

9. As per remarks, Applicants' argued that (3) Gonzales does not disclose inserter of search mode tokens to transmit search mode tokens into the stream of data.

10. As to point (3), Gonzales discloses the local processor that performs interface functions, Header parsing on the compressed data stream and VLC [i.e. search mode tokens] [col 10, lines 50-54].

11. As per remarks, Applicants' argued that (4) Gonzales does not disclose searching for video start codes as recited in claim 4.

12. As to point (4), it is rejected for similar reasons as stated in previous Office Action. Furthermore, Gonzales teaches a number of modifications may be made, for example, the operation of the image processing system may be enhanced with the addition of a block 64 that performs motion compensation in accordance with the MPEG standard [i.e. video] [col 13, lines 27-49].

13. As per remarks, Applicants' argued that (5) Gonzales does not a "two-wire interface" which transmits "data valid and data acceptance signals" as recited in claim 8.

14. As to point (5), Gonzales shows the connections between plurality of processing stages and passing of data blocks among different processing stages [i.e. interfaces which transmits data] [Figures 1 and 6; col 2, lines 61-col 3, lines 7; and col 4, lines 41-67].

15. As per remarks, Applicants' argued that (6) Gonzales does not show stages of the pipeline "reconfiguring" themselves in response to tokens as recited in claim 10.

16. As to point (6), Gonzales discloses the data-dependent and data-independent stages, and serially couples the plurality of defined data processing stages one to another in an order selected for accomplishing a desired processing function [col 6, lines 58-67].

17. As per remarks, Applicants' argued that (7) Gonzales does not disclose a start code detector in a hardware device.

18. As to point (7), Gonzales discloses a Compression/Decompression (CODEC) device 24 for identifying start and end of block of image data [i.e. a hardware device] [col 7, lines 12-25; and col 9, lines 1-15].

19. As per remarks, Applicants' argued that (8) Gonzales does not disclose a "token formatter" or a "start code detector" as recited in claim 13.

20. As to point (8), it is rejected for similar reasons as mentioned in previous Office Action. Furthermore, Gonzales discloses a DCT device for processing image data, i.e. image scaling, color conversion, rotation, recomposition [i.e. token formatter] [Figure 5; col 7, lines 26-55; and col 13, lines 27-49].

21. As per remarks, Applicants' argued that (9) neither Gonzales nor Normile disclose the start code detector ignoring video data until a video start code is found in response to receiving one of the search mode token as recited in claim 6.

22. As to point (9), it is rejected for similar reasons as stated in previous Office Action. Furthermore, Normile discloses an apparatus and method for processing video data for compression/decompression in real-time [Figure 4; Abstract; col 7, lines 34-37; and col 9, lines 8-15].

Oath/Declaration

23. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It is claiming the domestic priority of application 08/382952 which is not the same application as mentioned in the disclosure as 08/382958 (Amendment filed on 05/14/2007).

Double Patenting

24. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

25. Claims 1-29 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-31 of patent No. 5978592 [hereinafter '592 patent]. Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following reasons:

As per claims 1-13 of the instant application, the '592 patent contains the subject matter claimed in the instant application. Both are claiming common subject matter, as follows:

An apparatus for decompressing video data, comprising:

a start code detector ...; and

a pipeline having stages ....

The claims of '592 patent does not specifically have a method step in the same order as described in the claims 1-13 of instant application but it would have been obvious to a person skill in the art to recognize that the two claims are similar because doing so would enable the system to decode different standards as set forth in '592 patent.

26. As per claims 14-29 of the instant application, they contain similar subject matter as claims 13-31 of '592 patent. Accordingly, they are provisionally rejected under the judicially created doctrine of obviousness-type double patenting.

Claim Rejections - 35 USC § 102

27. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

28. Claims 1-5, 7, 8, 10, 12-15, 17-20, 22-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Gonzales et al. [US Patent No 5289577].

29. As per claim 1, Gonzales discloses the invention as claimed including an apparatus for decompressing video data, comprising:

a start code detector to convert a portion of a stream of video data into a stream of data tokens in response to detecting a start code sequence in said stream of video data [Figure 3A; col 8, lines 47-67; and col 10, lines 61-col 11, lines 5]; and

a pipeline having stages [12, Figure 1] and being capable of decoding video data [col 2, lines 61-65], the start code detector being coupled to send the data tokens to the pipeline [col 6, lines 52-67].

30. As per claim 2, Gonzales discloses a plurality of the stages of said pipeline have operating modes responsive to the format of said tokens [col 13, lines 1-26].

31. As per claim 3, Gonzales discloses an inserter of search mode tokens to transmit search mode tokens into the stream of video data [col 11, lines 25-41].

32. As per claim 4, Gonzales discloses the start code detector is capable of searching for video start codes complying with different formats [col 9, lines 40-col 10, lines 11].

33. As per claim 5, Gonzales discloses formats complying with at least two of the video standards selected from the group consisting of JPEG [col 7, lines 26-36], MPEG [col 13, lines 34-49], and H.261.

34. As per claim 7, Gonzales discloses two-wire interfaces coupling the consecutive stages of the pipeline [16a, 16b, Figure 1].

35. As per claim 8, Gonzales discloses the two-wire interfaces transmit data valid and data acceptance signals [col 5, lines 5-50].

36. As per claim 10, Gonzales discloses a portion of the stages of the pipeline reconfigure themselves to process data in response to receiving predetermined types of tokens [col 13, lines 4-15].

37. As per claim 12, Gonzales discloses the start code detector is a hardware device [col 9, lines 55-59].

38. As per claim 13, Gonzales discloses

a Huffman decoder coupled to receive data from the start code detector [col 7, lines 45-55];

a token formatter coupled to data from the Huffman decoder [col 7, lines 37-45];

an inverse modeler coupled to receive data from the token formatter [Figure 5]; and

an inverse quantizer coupled to receive data from the inverse modeler [Figure 5].

39. As per claim 14, it is method claimed of claims 11-4, it is rejected for similar reasons as stated in claims 1-4.

40. As per claim 15, Gonzales discloses

making a random access into the data stream to receive the portion of the video stream [col 12, lines 14-16]; and

wherein the search mode token is inserted in response to making the random access [col 12, lines 17-35].

41. As per claim 17, it is method claimed of claim 10, it is rejected for similar reason as stated above in claim 10.

42. As per claim 18, it is method claimed of claim 5, it is rejected for similar reason as stated above in claim 5.

43. As per claim 19, 20, 22 and 23, they are rejected for similar reasons as stated above in claims 14, 15, 17 and 18 respectively.

44. As per claim 24, Gonzales discloses a semiconductor substrate, the pipeline, means for inserting and start code detector being located on the substrate [memory] [Abstract].

45. As per claims 25-29, they are rejected for similar reasons as stated above in claims 1-5 and 12.

Claim Rejections - 35 USC § 103

46. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

47. Claims 6, 9, 11, 16 and 21, are rejected under 35 U.S.C. 103(a) as being unpatentable over Gonzales et al. [US Patent No 5289577], in view of Normile et al. [US Patent No 5461679].

48. As per claim 6, Gonzales does not specifically disclose the start code detector ignores video data until a video start code is found in response to receiving one of the search mode tokens. Normile discloses the start code detector ignores video data until a video start code is found in response to receiving one of the search mode tokens [col 13, lines 47-col 14, lines 9; and col 16, lines 29-32]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Gonzales and Normile because Normile's teaching of start code detector would provide a method to allow compressed moving video images to be decompressed and displayed in real time [Normile, col 7, lines 35-37].

49. As per claim 9, Normile discloses the start code detector is adapted to introduce new tokens into the stream of video data at detected start code sequences [col 13, lines 47-col 14, lines 9; and col 16, lines 26-29].

50. As per claim 11, Normile discloses the start code detector introduces picture end tokens into the stream of video data [col 8, lines 4-24].

51. As per claims 16 and 21, Gonzales does not specifically disclose the random access results from one of an error and a channel switch. Normile discloses the random access results from one of an error and a channel switch [col 13, lines 27-47]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Gonzales and Normile because Normile's teaching of random access would provide data integrity in communication network.

52. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Flynn Nathan can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dustin Nguyen
Examiner
Art Unit 2154